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1218	7590	09/18/2008	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			LEE, PHILIP C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/997,477	Applicant(s) ROTHSCHILD, LEIGH M.	
	Examiner PHILIP C. LEE	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 37-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment and remarks filed on June 20, 2008.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2008 has been entered.
3. Claims 1-36 are presented for examination and claims 37-42 are withdrawn from consideration.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Objection

5. Claim 28 is objected to because of the following informalities or grammar errors: As per claim 28, line 2, "recited in claim 1 a further" (i.e., grammatical error "*a* further").

Claim Rejections – 35 USC 103

6. Claims 1-12 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord, U.S. Patent Application Publication 2003/0002849 (hereinafter Lord) in view of Holm, U.S. Patent Application Publication 2003/0070181 (hereinafter Holm).
7. Lord was cited in the previous office action.
8. As per claim 1, Lord teaches the invention substantially as claimed comprising:
 - at least two media storage mediums, each of said storage mediums at least containing a substantially identical copy of a particular media selection ([0007]) (memories of PVRs containing common program);
 - at least two media players structured to selectively deliver said media selection to a user from a corresponding one of said storage mediums ([0007])(PVRs delivers the media to users from the memories);
 - each of said media player including a control assembly structured to selectively control and regulate delivery of said media selection to the user ([0019]);
 - at least one of said media players being selectively designatable as a slave unit ([0031]);
 - a master control assembly operatively associated with said media players ([0022]);
 - a connectivity assembly structured to establish a communicative link at least between said slave unit and said master control assembly ([0020]; 18, fig. 2);
 - said master control assembly structured to receive synchronization data of said media selection from each of said media players ([0031]) (PVR sent out status message after

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every command is received, wherein the status message is received by the PVR that sent out the command); and

said master control assembly structured to simultaneously and uniformly control said delivery of said media selection by said media players (PVR that sent out the command structured to send command (e.g., rewind, fast forward) to control the output of PVRs of synchronize program (i.e., simultaneously control and uniformly output))([0031]).

9. Although Lord does not specifically teach said master control assembly structured to simultaneously and uniformly control said delivery of said media selection by said media players based on said received synchronization data, however, Lord teaches said master control assembly structured to simultaneously and uniformly control said delivery of said media selection by said media players and to receive said synchronization data ([0031]). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to include said master control assembly structured to simultaneously and uniformly control said delivery of said media selection by said media players based on said received synchronization data because by doing so it would ensure that the master media player and other media player stay in synchronization (i.e., master control assembly sends command such as fast forward after receiving status message such as the time or the frame into the show (based on the received synchronization data)).

10. Although Lord teaches at least two media storage mediums, each of said storage mediums at least containing a substantially identical copy of a particular media selection ([0007]) (memories of PVRs containing common program); and at least two media players

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structured to selectively deliver said media selection to a user from a corresponding one of said storage mediums ([0007])(PVRs delivers the media to users from the memories), however, Lord does not teach that the media storage medium is portable storage medium. Holm teaches portable storage medium ([0052] and [0053])(i.e., PVR includes portable storage medium).

11. As per claim 2, Lord and Holm teach the invention substantially as claimed in claim 1 above. Lord further teaches wherein said control assembly of one of said media players defines said master control assembly ([0031]).

12. As per claim 3, Lord and Holm teach the invention substantially in claim 1 above. Lord further teaches wherein at least two media players include a plurality of said media players (14-1 to 14-N, fig. 2) communicatively associated with at least said master control assembly ([0031]) via said connectivity assembly (18, fig. 2).

13. As per claim 4, Lord and Holm teach the invention substantially in claim 3 above. Lord further teaches wherein said control assemblies of a plurality of said media players may selectively define said master control assembly (col. 10, lines 47-49).

14. As per claim 5, Lord and Holm teach the invention substantially in claim 3 above. Lord further teaches wherein only one of said control assemblies of said plurality of media players may define said master control assembly at one time ([0031]) (one user of a PVR as Master)

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15. As per claim 6, Lord and Holm teach the invention substantially in claim 1 above. Lord further teaches including a plurality of said media players designated as slave units ([0031]) (one of 14-1 to 14-N as Master and the other of 14-1 to 14-N as slaves).

16. As per claim 7, Lord and Holm teach the invention substantially in claim 6 above. Lord further teaches wherein said master control assembly is structured to provide selective control authority over all of said slave units to a select one of said slave units ([0031]).

17. As per claim 8, Lord and Holm teach the invention substantially in claim 1 above. Lord further teaches wherein said storage mediums include digital storage mediums ([0007]) (memory of PVR).

18. As per claim 9, Lord and Holm teach the invention substantially in claim 8 above. Lord further teach wherein said digital storage mediums include any digital storage medium containing standard playback encoding ([0023]) (since the recorded program in the memory of a PVR can be playback on a display, the memory must have standard playback encoding).

19. As per claim 10, Lord and Holm teach the invention substantially in claim 1 above. Lord further teach including a plurality of said media players designated as slave units and each of said media players including said storage mediums with said media selection ([0023]).

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20. As per claim 11, Lord and Holm teach the invention substantially in claim 1 above. Lord further teach wherein said connectivity assembly includes a computerized network connection ([0023]).

21. As per claim 12, Lord and Holm teach the invention substantially in claim 1 above. Lord further teach wherein each of said media players includes said connectivity assembly structured to establish a communicative link with a computerized network ([0020]; fig. 2) (each PVRs in fig. 2 includes interface to connect to the Internet).

22. As per claim 34, Lord and Holm teach the invention substantially in claim 1 above. Lord further teaches wherein said synchronization data includes a location designator associated said media selection ([0031]).

23. As per claim 35, Lord and Holm teach the invention substantially in claim 34 above. Lord further teaches wherein said location designator includes a time code of said media selection ([0031]).

24. As per claim 36, Lord and Holm teach the invention substantially in claim 34 above. Lord further teaches wherein said location designator includes a track number of said media selection ([0031]).

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25. Claims 13-18 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord and Holm in view of Bruck et al, U.S. Patent 7,143,428 (hereinafter Bruck).

26. Bruck was cited in the previous office action.

27. As per claim 13, Lord and Holm teach the invention substantially in claim 1 above. Lord and Holm does not teach messaging assemble to permit selective messaging communication to users of said media players while said media selection is being delivered to said users. Bruck teaches comprising a messaging assembly operatively associated with each of said media players, said messaging assembly structured to permit selective messaging communication to users of said media players while said media selection is being delivered to said users (col. 7, lines 35-40; col. 2, lines 36-40).

28. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Bruck because Bruck's teaching of messaging assembly would enhance the communication mechanism in Lord's and Holm's systems by allowing participates to simultaneously view a video program and participate in text communications.

29. As per claim 14, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Lord and Bruck teach wherein said messaging assembly is structured to facilitate said selective messaging communication initiated by an operator (see Bruck, col. 7,

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lines 35-40; col. 2, lines 36-40, messaging initiated by users) of said master control assembly (see Lord, [0031], one of the users is configured to be master).

30. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Bruck for the same reason set forth in claim 13 above.

31. As per claim 15, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Bruck further teach wherein said messaging assembly is structured to facilitate said selective messaging communication initiated by said users of said media players (col. 7, lines 35-40).

32. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Bruck for the same reason set forth in claim 13 above.

33. As per claim 16, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Bruck further teach wherein said messaging assembly includes a messaging interface operatively associated therewith and structured to receive a message for communication to at least one of said media players (col. 7, lines 35-43).

34. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Bruck for the same reason set forth in claim 13 above.

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35. As per claim 17, Lord, Holm and Bruck teach the invention substantially as claimed in claim 16 above. Bruck further teach wherein each of said media players includes said messaging interface (col. 7, lines 35-40) (each client includes messaging interface).

36. As per claim 18, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Bruck further teaches wherein said messaging assembly is structured to permit selective communication of a message to at least a select one of said media players (col. 7, lines 35-40).

37. As per claim 29, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Bruck further teaches wherein said messaging assembly includes a text messaging assembly structured to communicate a message visibly utilizing a monitor associated with said delivery of said media selection (col. 7, lines 35-43; fig. 6; 84, fig. 3).

38. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Bruck for the same reason set forth in claim 13 above.

39. As per claim 30, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Lord further teaches wherein said messaging assembly includes an audio messaging assembly structured to communicate a message audibly utilizing an audio system associated with each of said media player ([0032]).

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40. Claims 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord and Holm in view of Pantoja, U.S. Patent Application Publication 2003/0115598 (hereinafter Pantoja).

41. Pantoja was cited in the previous office action.

42. As per claims 28 and 32, Lord and Holm teach the invention substantially as claimed in claim 1 above. Lord and Holm do not teach a communication shell. Pantoja teaches a communication shell structured to deliver promotional materials to said user in association with said media selection ([0060]).

43. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Pantoja because Pantoja's teaching of communication shell would increase the functionality of Lord's and Holm's systems by providing a means for communication with the users while media selection is being playback.

44. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lord and Holm in view of Fasciano et al, U.S. Patent 5,467,288 (hereinafter Fasciano).

45. Fasciano was cited in the previous office action.

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46. As per claim 33, Lord and Holm teach the invention substantially as claimed in claim 1 above. Although Lord teaches synchronization data includes an indication of the program being watched, however, Lord and Holm do not specifically teach a title of said media selection. Fasciano teaches wherein said synchronization data includes a title of said media selection (fig. 5; col. 7, lines 45-54) (name of the clip).

47. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm and Fasciano because Fasciano's teaching of synchronization data would increase the alertness of Lord's and Holm's systems by providing additional information to indicate the playback of a media is in synchronization.

48. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord, Holm and Bruck in view of Pantoja.

49. As per claim 19, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Lord, Holm and Bruck do not teach a communication shell. Pantoja teaches wherein said messaging assembly includes a communication shell (101 comprising windows 104, 105, 106, fig. 7) associated with a delivery of a message to said user of each of said media player ([0057]) (windows associated with a delivery of text to user of media player).

50. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm, Bruck and Pantoja because Pantoja's teaching of

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communication shell would increase the functionality of Lord's, Holm's and Bruck's systems by providing a means for communication between users while media selection is being playback.

51. As per claim 20, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 19 above. Pantoja further teach wherein said communication shell is structured to deliver promotional materials to said user in association with said message ([0060]).

52. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm, Bruck and Pantoja for the same reason as set forth in claim 19 above.

53. As per claim 21, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 20 above. Pantoja further teach wherein said communication shell includes a messaging display structured to be displayed on a monitor associated with each of said media player ([0057]), said messaging display including said promotional materials ([0060]) (e.g., advertisements) and said message ([0057]) (e.g., text).

54. As per claim 22, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 19 above. Pantoja further teach wherein said communication shell includes at least one interactive link (URL/hyperlink 96), said messaging assembly including a messaging interface structured to permit selective activation of said interactive link by said user ([0056], [0057]).

55. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm, Bruck and Pantoja for the same reason as set forth in claim 19 above.

56. As per claim 23, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 22 above. Pantoja further teach wherein said interactive link is structured to initiate delivery of additional materials to said user when activated ([0056]) (content retrieved from a hyperlink).

57. As per claim 24, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 22 above. Pantoja further teach comprising a master processor assembly ([0038])(CPU) communicatively associated with said media players and structured to receive activation information associated with user activation of said interactive link from said messaging assembly of a particular media player ([0056]).

58. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lord, Holm and Bruck in view of Zenith, U.S. Patent 6,519,771 (hereinafter Zenith).

59. Zenith was cited in the previous office action.

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60. As per claim 31, Lord, Holm and Bruck teach the invention substantially as claimed in claim 13 above. Although Bruck teaches wherein said messaging assembly includes a messaging assembly structured to communicate a message visibly utilizing a monitor associated with said delivery of said media selection (col. 7, lines 35-40; col. 2, lines 36-40), however Lord, Holm and Bruck do not teach video messaging assembly. Zenith teaches wherein said messaging assembly includes a video messaging assembly structured to communicate a message visibly utilizing a monitor associated with said delivery of said media selection (col. 7, lines 4-6, 18-28).

61. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm, Bruck and Zenith because Zenith's teaching of video messaging assembly would improve the communication in Lord's, Holm's and Bruck's systems by allowing users to utilize different type of communication instead of text communication.

62. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord, Holm, Bruck and Pantoja in view of Du Val et al, U.S. Patent Application Publication 2002/0016820 (hereinafter Du Val).

63. Du Val was cited in the previous office action.

64. As per claim 25, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 24 above. Although Pantoja teaches including a plurality of said interactive

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links (URLs, 96, fig. 6), however, Lord, Holm, Bruck and Pantoja do not teach said interactive links representing a user response to a query. Du Val teaches including a plurality of interactive links, each of said interactive links representing a user response to a query ([0025] and [0030]) (interactive data (list of hyperlinks, fig. 3) is response to a request for current live data from client computers).

65. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm, Bruck, Pantoja and Du Val because Du Val's teaching of interactive links would enhance the communication of their systems by providing a means for retrieving additional related contents via the utilization of pointers.

66. As per claim 26, Lord, Holm, Bruck and Pantoja teach the invention substantially as claimed in claim 24 above. Lord, Holm, Bruck and Pantoja do not teach receiving and processing activation information from a plurality of said media players. Du Val teaches including a master processor assembly (server 108) is structured to receive and process said activation information from a plurality of said media players ([0044])(server 108 receive and process event selection from client computers).

67. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lord, Holm, Bruck, Pantoja and Du Val because Du Val's teaching of receive and process activation information would enhance the communication of their systems by providing a means for retrieving additional related contents via the utilization of pointers.

68. As per claim 27, Lord, Holm, Bruck, Pantoja and Du Val teach the invention substantially as claimed in claim 26 above. Pantoja and Du Val further teach wherein said master processor assembly is responsive to said activation assembly from said plurality of media players (see Du Val, [0044]) and is structured to communication instructions to said master control assembly in connection therewith (see Pantoja, [0038], [0056]).

69. Applicant's arguments with respect to claims 1-36, filed 06/20/08 have been fully considered and are moot in view of new grounds of rejection.

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70. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Patent Examiner, Art Unit 2152